

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,  
DALLAS DIVISION**

DAVID R. NABORS,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
NORTHLAND GROUP, INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL**

DAVID R. NABORS (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against NORTHLAND GROUP, INC. (Defendant):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

## **PARTIES**

7. Plaintiff is a natural person residing in Dallas, Texas.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a national debt collection company located in Edina, Minnesota and conducts business in Texas.

## **FACTUAL ALLEGATIONS**

11. Defendant placed collection calls to Plaintiff two to three times per week starting in August 2009.
12. Plaintiff told Defendant that Defendant was contacting the wrong “David Nabors” as Plaintiff uses his middle initial in all documents. The person that Defendant was attempting to contact did not use a middle initial, and the last four digits of the social security number were not that of Plaintiff. Defendant stopped contacting Plaintiff for a few weeks after this conversation.
13. Defendant began placing collection calls to Plaintiff again. Plaintiff again verified that the last four digits of the social security number were different. Defendant hung up the phone on the Plaintiff.
14. Plaintiff had the phone number that Defendant was placing collection calls to disconnected because of the volume of calls Plaintiff was receiving.
15. Defendant called Plaintiff at phone number 972-488-9902.
16. Original Creditor is GE Money Bank and Plaintiff never had an account with GE Money

Bank.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive and/or misleading representations or means in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means to collect a debt.

WHEREFORE, Plaintiff, DAVID R. NABORS, respectfully requests judgment be entered against Defendant, NORTHLAND GROUP, INC., for the following:

18. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
19. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: May 5, 2010

By: /s/ Peter Cozmyk  
Peter Cozmyk, Esq.  
Attorneys for Plaintiff  
Krohn & Moss, Ltd.  
3 Summit Park Drive  
Suite 140  
Independence, OH 44131  
Phone: (323) 988-2400 x213  
Fax: (866) 799-3206  
pcozmyk@consumerlawcenter.com

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, DAVID R. NABORS demands a jury trial in this case.